

ORDINANCE No.

119370

COUNCIL BILL No.

112553

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AN ORDINANCE relating to land use and zoning amending height and rooftop features provisions in downtown, commercial and industrial zones by amending the following Sections in Title 22, Seattle Land Use Code, of the Seattle Municipal Code: 23.41.012; 23.47.012; 23.49.008; 23.49.048; 23.49.068; 23.49.098; 23.49.124; 23.49.150; 23.49.210; 23.49.328; 23.49.342; 23.50.012; 23.50.020; 23.50.022; 23.50.027; 23.50.028; 23.66.140; and 23.66.332.

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: JAN 25 1999	By: DRAGO
Referred: JAN 25 1999	To: Business, Economic & Community Development
Referred:	To: Committee
Referred:	To:
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Passed over Veto:	Veto Sustained:

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*Law Department*

**The City of Seattle--Legislative Department**

**REPORT OF COMMITTEE**

Date Reported  
and Adopted

able President:

committee on

h was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

2/5/99 BECD Do approve 3-0 Drago, Steinbruck  
as amended Donatelan

99 Full Council 9-0

Committee Chair

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ORDINANCE 119370

AN ORDINANCE relating to land use and zoning amending height and rooftop features provisions in downtown, commercial and industrial zones by amending the following Sections in Title 23, Seattle Land Use Code, of the Seattle Municipal Code:  
23.41.012; 23.47.012; 23.49.008; 23.49.048; 23.49.068; 23.49.098; 23.49.124;  
23.49.150; 23.49.210; 23.49.328; 23.49.342; 23.50.012; 23.50.020; 23.50.022;  
23.50.027; 23.50.028; 23.66.140; and 23.66.332.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS  
FOLLOWS:

Section 1. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

**23.41.012 Development standard departures.**

\* \* \*

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;
4. SCM zone facade requirements, including transparency and blank facade provisions;
5. Design, location and access to parking requirements;
6. Open space or common recreation area requirements;
7. Lot coverage limits;
8. Screening and landscaping requirements;
9. Standards for the location and design of nonresidential uses in mixed-use buildings;
10. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty (20)

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percent of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

- a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone,
- b. The proposed structure must be compatible with the general development potential anticipated within the zone,
- c. The additional height must not substantially interfere with views from up-slope properties, and
- d. No more than one (1) project on one (1) site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;

11. Downtown street facade requirements;
12. Downtown upper-level development standards; ((and))
13. Downtown maximum wall dimensions; and
14. Combined coverage of all rooftop features in downtown zones subject to the limitations in subsection 23.49.008C2.

\* \* \*

**Section 2.** Subsection G of Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

**23.47.012 Structure height and floor area ratio.**

\* \* \*

**G. Rooftop Features.**

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10') from any side or rear lot line.
2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four feet (4') above the maximum height limit with unlimited rooftop coverage.
3. Solar Collectors.

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1 a. In zones with height limits of thirty feet (30') or forty feet (40'),  
2 solar collectors may extend up to four feet (4') above the maximum height limit, with  
3 unlimited rooftop coverage.

4 b. In zones with height limits of sixty-five feet (65') or more, solar  
5 collectors may extend up to seven feet (7') above the maximum height limit, with unlimited  
6 rooftop coverage.

7 4. The following rooftop features may extend up to fifteen feet  
8 (15') above the maximum height limit, so long as the combined total coverage of all features  
9 listed in this subsection does not exceed twenty percent (20%) of the roof area or twenty-five  
10 percent (25%) of the roof area if the total includes stair or elevator penthouses or screened  
11 mechanical equipment:

- 12 a. Solar collectors;  
13 b. Stair and elevator penthouses;  
14 c. Mechanical equipment;  
15 d. Play equipment and open-mesh fencing which encloses it, so  
16 long as the fencing is at least fifteen feet (15') from the roof edge; and  
17 e. Dish antennas, according to the provisions of Chapter 23.57.

18 5. In order to protect solar access for property to the north, the applicant  
19 shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the  
20 north edge of the roof, or provide shadow diagrams to demonstrate that the proposed  
21 location of such rooftop features would shade property to the north on January 21st at noon  
22 no more than would a structure built to maximum permitted bulk:

- 23 a. Solar collectors;  
24 b. Planters;  
25 c. Clerestories;  
26 d. Greenhouses;  
27 e. Dish antennas, according to the provisions of Chapter 23.57;  
28 f. Non-firewall parapets;  
29 g. Play equipment.

30 6. Structures existing prior to May 10, 1986 may add new or replace existing  
31 mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and  
32 shall comply with the noise standards of Section 23.47.018.  
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34 \* \* \*

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37 **Section 3.** Subsection C of Section 23.49.008 of the Seattle Municipal Code, which  
38 Section was last amended by Ordinance 118672, is amended as follows:

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**23.49.008 Structure height.**

The following provisions regulating structure height shall apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

\* \* \*

**C. Rooftop Features.**

~~((1. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.~~

~~2. Solar collectors may extend up to seven (7) feet above the maximum height limit with unlimited rooftop coverage.~~

~~3. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, as long as the combined coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment:~~

~~a. Solar collectors;~~

~~b. Stair and elevator penthouses;~~

~~c. Mechanical equipment; and~~

~~d. Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge.~~

~~4. Major or minor communication utilities; religious symbols and that portion of the roof which supports them, such as belfries or spires; smokestacks; and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport Height Overlay District. They shall be located a minimum of ten (10) feet from all lot lines.~~

~~5. Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C4 may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:~~

~~a. The feature shall be compatible with and not adversely affect the downtown skyline.~~

1                                   b. ~~The feature shall not have a significant adverse effect upon the~~  
2 ~~light, air, solar and visual access of properties within a three hundred (300) foot radius.~~

3                                   c. ~~The feature, supporting structure and structure below shall be~~  
4 ~~compatible in design elements such as bulk, profile, color and materials.~~

5                                   d. ~~The feature shall not adversely affect the function of existing~~  
6 ~~transmission or receiving equipment within a five (5) mile radius.~~

7                                   e. ~~The increased size is necessary for the successful physical function~~  
8 ~~of the feature, except for religious symbols.))~~

9                                   1. The following rooftop features are permitted with unlimited rooftop  
10 coverage and may not exceed the height limits as indicated:

11                                   a. Open railings, planters, clerestories, skylights, play equipment,  
12 parapets and firewalls up to four (4) feet above the maximum height limit;

13                                   b. Solar collectors up to seven (7) feet above the maximum height  
14 limit; and

15                                   c. The rooftop features listed below may extend up to fifty (50) feet  
16 above the roof of the structure on which they are located or fifty (50) feet above the  
17 maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport  
18 Height Overlay District:

19                                   (1) Major or minor communication utilities;

20                                   (2) Religious symbols and that portion of the roof which  
21 supports them, such as belfries or spires;

22                                   (3) Smokestacks; and

23                                   (4) Flagpoles

24                                   They shall be located a minimum of ten (10) feet from all lot lines.

25                                   2. The following rooftop features are permitted as long as the combined  
26 coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five  
27 (25) percent if the total includes stair or elevator penthouses or screened mechanical  
28 equipment. Except in the PMM zone, additional combined coverage of all rooftop features,  
29 not to exceed thirty-five (35) percent of the roof area, may be permitted through the Design  
30 Review process for Development Standard Departures in Section 23.41.012 .

31                                   a. The following rooftop features are permitted to extend up to fifteen  
32 (15) feet above the maximum height limit:

33                                   (1) Solar collectors;

34                                   (2) Stair penthouses;

35                                   (3) Play equipment and open-mesh fencing, as long as the  
36 fencing is at least fifteen (15) feet from the roof edge;

37                                   (4) Mechanical equipment; and

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1                                   (5) Mechanical equipment, whether new or replacement, may  
2 be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June  
3 1, 1998.

4                                   b. Elevator penthouses are permitted to extend beyond the maximum  
5 height limit as follows:

6                                   (1) In the PMM zone, up to fifteen (15) feet above the  
7 maximum height limit for the zone.

8                                   (2) Except in the PMM zone, up to twenty (20) feet above the  
9 maximum height limit for a penthouse designed for an elevator cab up to eight (8) feet high;  
10 or

11                                   (3) Except in the PMM zone, up to twenty-two (22) feet  
12 above the maximum height limit for a penthouse designed for an elevator cab more than eight  
13 (8) feet high.

14                                   3. Screening of Rooftop Features.

15                                   a. Measures may be taken to screen rooftop features from public view  
16 through the Design Review process or, if located within the Pike Place Market Historical  
17 District, by the Market Historical Commission.

18                                   b. Except in the PMM zone, the amount of roof area enclosed by  
19 rooftop screening may exceed the maximum percentage of the combined coverage of all  
20 rooftop features as provided in subsection C2 above.

21                                   c. Except in the PMM zone, in no circumstances shall the height of  
22 rooftop screening exceed ten (10) percent of the maximum height of the zone in which the  
23 structure is located, or fifteen (15) feet, whichever is greater. In the PMM zone, the height  
24 of the screening shall not exceed the height of the rooftop feature being screened, or such  
25 greater height necessary for effective screening as determined by the Pike Place Market  
26 Historical Commission.

27                                   4. Administrative Conditional Use for Rooftop Features. The rooftop  
28 features listed in subsection C1c may exceed a height of fifty (50) feet above the roof of the  
29 structure on which they are located if authorized by the Director through an administrative  
30 conditional use, Chapter 23.76. The request for additional height shall be evaluated on the  
31 basis of public benefits provided, the possible impacts of the additional height, consistency  
32 with the City's land use policies, and the following specific criteria:

33                                   a. The feature shall be compatible with and not adversely affect the  
34 downtown skyline.

35                                   b. The feature shall not have a substantial adverse effect upon the  
36 light, air, solar and visual access of properties within a three hundred (300) foot radius.

37                                   c. The feature, supporting structure and structure below shall be  
38 compatible in design elements such as bulk, profile, color and materials.

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1                   d. The feature shall not adversely affect the function of existing  
2 transmission or receiving equipment within a five (5) mile radius.

3                   e. The increased size is necessary for the successful physical function  
4 of the feature, except for religious symbols.  
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7           **Section 4.** Subsection C of Section 23.49.048 of the Seattle Municipal Code, which  
8 Section was last amended by Ordinance 117954, is amended as follows:  
9

10 **23.49.048 Downtown Office Core 1, floor area ratio (FAR).**  
11

12                                   \* \* \*

13  
14           C. Exemptions from FAR Calculations.

15                   1. The following areas shall be exempt from base and maximum FAR  
16 calculations:

17                                   a. All floor area below grade;

18                                   b. All gross floor area located above grade which is used for principal  
19 or accessory short-term parking, or for parking accessory to residential uses, up to one (1)  
20 space per dwelling unit;

21                                   c. The gross floor area of public benefit features which satisfy the  
22 requirements of Section 23.49.050, Ratios for public benefit features, and satisfy the Public  
23 Benefit Features Rule. For all features except housing, the exemption shall apply whether the  
24 feature is granted a floor area bonus or not, regardless of maximum bonusable area  
25 limitations.

26                   2. As an allowance for mechanical equipment, three and one-half percent (3  
27 1/2%) of the gross floor area of a structure shall not be counted in gross floor area  
28 calculations. The allowance shall be calculated on the gross floor area after all exempt space  
29 permitted under subsection C1 has been deducted. Mechanical equipment located on the roof  
30 of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area  
31 of the structure, except that for structures existing prior to June 1, 1989, new or replacement  
32 mechanical equipment may be placed on the roof and will not be counted in gross floor area  
33 calculations.  
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36           **Section 5.** Subsection C of Section 23.49.068 of the Seattle Municipal Code, which  
37 Section was last amended by Ordinance 117954, is amended as follows:  
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**23.49.068 Downtown Office Core 2, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except that on sending lots from which development rights are transferred according to Section 23.49.072 C the only exempt residential space shall be low-income housing on landmark theater/housing TDR sites that satisfies all requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area located above grade which is used for principal or accessory short-term parking, or for parking accessory to residential uses, up to one (1) space per dwelling unit;

d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.070, Ratios for public benefit features, and the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3 1/2) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 6.** Subsection C of Section 23.49.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 117954, is amended as follows:

**23.49.098 Downtown Retail Core, floor area ratio (FAR).**

\* \* \*

**C. Exemptions From FAR Calculations.**

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1                   1. The following areas shall be exempt from base and maximum FAR  
2 calculations:

3                   a. All gross floor area in residential use, except that on sending lots  
4 from which development rights are transferred according to Section 23.49.102 the only  
5 residential space exempted shall be low-income housing on landmark theater/housing TDR  
6 sites satisfying all requirements for a bonus under the Public Benefit Features Rule;

7                   b. All gross floor area below grade;

8                   c. All gross floor area located above grade which is used for principal  
9 or accessory short-term parking, or for parking accessory to residential uses, up to one (1)  
10 space per dwelling unit;

11                   d. The gross floor area of public benefit features (including a  
12 performing arts theater but excluding a major retail store) which satisfy the requirements of  
13 Section 23.49.100, Ratios for public benefit features, and satisfy the Public Benefit Features  
14 Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area  
15 limitations;

16                   e. The sum of the gross floor area of the following uses, up to a  
17 maximum FAR of one and one-half (1 ½):

18                   (1) Retail sales and services uses, including major retail stores,  
19 except lodging,

20                   (2) Human service uses and child care centers,

21                   (3) Customer service offices,

22                   (4) Entertainment uses, such as theaters, and

23                   (5) Museums.

24                   The exemption for the uses listed in this subsection C1e shall be  
25 increased to a maximum FAR of two (2) when a performing arts theater or three (3) when a  
26 major retail store is given a bonus as part of a project pursuant to Section 23.49.096.

27                   2. As an allowance for mechanical equipment, three and one-half (3 ½)  
28 percent of the gross floor area of a structure shall not be counted in gross floor area  
29 calculations. The allowance shall be calculated on the gross floor area after all exempt space  
30 permitted under subsection C1 of this section has been deducted. Mechanical equipment  
31 located on the roof of a structure, whether enclosed or not, shall be calculated as part of the  
32 total gross floor area of the structure, except that for structures existing prior to June 1,  
33 1989, new or replacement mechanical equipment may be placed on the roof and will not be  
34 counted in gross floor area calculations.

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37                   Section 7. Subsection C of Section 23.49.124 of the Seattle Municipal Code, which  
38 Section was last amended by Ordinance 116513, is amended as follows:

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**23.49.124 Downtown Mixed Commercial, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except that on sending lots from which development rights are transferred, according to Section 23.49.128 the only exempt residential space shall be low-income housing on landmark theater/housing TDR sites satisfying all of the requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit features, other than housing, which satisfy the requirements of Section 23.49.126, Ratios for public benefit features, or which satisfy the requirements for an FAR bonus amenity allowable to a structure in DOC1 or DOC2 for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

2. As an allowance for mechanical equipment, three and one-half percent (3 1/2%) of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 8.** Subsection C of Section 23.49.150 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended as follows:

**23.49.150 Downtown Mixed Residential, floor area ratio (FAR).**

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C. Exemptions From FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

- a. All gross floor area in residential use, except on sending lots from which development rights are transferred, according to Section 23.49.154;
- b. All gross floor area below grade;
- c. All gross floor area used for accessory parking located above grade;
- d. The gross floor area of public benefit features which satisfy the requirements of Section 23.49.152, Downtown Mixed Residential, ((f))Ratios for public benefit features, and satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3 ½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 9.** Subsection C of Section 23.49.210 of the Seattle Municipal Code, which Section was last amended by Ordinance 113279, is amended as follows:

**23.49.210 International District Mixed, floor area ratio (FAR).**

\* \* \*

C. Exemptions from FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

- a. All gross floor area in residential use, except on sending lots from which development rights are transferred according to Section 23.49.212.
- b. All gross floor area below grade.
- c. All gross floor area used for accessory parking.
- d. When required by the regulations of the International District Special Review District, Chapter 23.66, required street-level uses shall be exempt to a

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1 maximum of one-half (1/2) the area of the lot, not to exceed fifteen thousand (15,000) square  
2 feet.

3 2. As an allowance for mechanical equipment, three and one-half percent (3  
4 1/2%) of the gross floor area of a structure shall not be counted in gross floor area  
5 calculations. The allowance shall be calculated on the gross floor area after all exempt space  
6 permitted under subsection C1 has been deducted. Mechanical equipment located on the roof  
7 of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area  
8 of the structure, except that for structures existing prior to June 1, 1989, new or replacement  
9 mechanical equipment may be placed on the roof and will not be counted in gross floor area  
10 calculations.

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13 **Section 10.** Subsection C of Section 23.49.328 of the Seattle Municipal Code, as  
14 adopted by Ordinance 112303, is amended as follows:

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16 **23.49.328 Downtown Harborfront 2, floor area ratio (FAR).**

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18 \* \* \*

19  
20 **C. Exemptions from FAR Calculations.**

21 1. The following areas shall be exempted from base and maximum FAR  
22 calculations:

- 23 a. All gross floor area below grade;  
24 b. All gross floor area used for accessory parking located above  
25 grade.

26 2. As an allowance for mechanical equipment, three and one-half (3 1/2)  
27 percent of the gross floor area of a structure shall not be counted in gross floor area  
28 calculations. The allowance shall be calculated on the gross floor area after all exempt space  
29 permitted under subsection C1 has been deducted. Mechanical equipment located on the roof  
30 of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area  
31 of the structure, except that for structures existing prior to June 1, 1989, new or replacement  
32 mechanical equipment may be placed on the roof and will not be counted in gross floor area  
33 calculations.

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36 **Section 11.** Subsection C of Section 23.49.342 of the Seattle Municipal Code, as  
37 adopted by Ordinance 112303, is amended as follows:  
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23.49.342 Pike Market Mixed, floor area ratio.

\* \* \*

C. Exemptions from FAR Calculations.

1. All gross floor area below grade shall be exempt from FAR calculations.
2. New and/or replacement of existing mechanical equipment located on the roof of structures existing prior to June 1, 1989.

Section 12. A new subsection D of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119238, is added as follows:

23.50.012 Permitted and prohibited uses.

\* \* \*

D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be located on the rooftop of a building (including the rooftop of an attached parking structure) existing as of December 31, 1998. Rooftop recreational space shall be used only for the purposes of active recreational uses and/or passive open spaces accessory to office uses of at least one hundred thousand (100,000) square feet that are located in the same building or within an attached structure(s) and that are established on or before December 31, 1998. When any portion of the rooftop recreational space is covered by a structure, the following standards shall apply:

1. The height of the structure shall not exceed thirty (30) feet as measured from the existing rooftop elevation and be limited to only one-story;
2. The height shall not exceed the height of the highest portion or feature of the building or attached structure(s);
3. The footprint of the structure shall not exceed thirty (30) percent of the total roof area on which the structure is located; and
4. The structure shall be designed to include a minimum of thirty (30) percent transparent and/or translucent exterior building materials.

Rooftop recreational space meeting the above standards shall not be subject to the limits on maximum size of non-industrial uses, and the gross floor area of the rooftop recreational space shall be exempt from FAR calculations. The rooftop recreational space permitted under this subsection 23.50.012D shall be used only for active or passive recreational uses and cannot be used or converted to office or other non-recreational uses.

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3       **Section 13.** A new subsection C is added to Section 23.50.020 of the Seattle  
4 Municipal Code, which Section was last amended by Ordinance 116596, as follows:

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6       **23.50.020. All Industrial zones -- Structure height exceptions and additional**  
7 **restrictions.**

8  
9                               \* \* \*

10  
11       C. Structures existing prior to October 8, 1987 which exceed the height limit of the  
12 zone may add the rooftop features listed as conditioned in subsection A above. The existing  
13 roof elevation of the structure shall be considered the maximum height limit for the purpose  
14 of adding rooftop features.

15  
16  
17       **Section 14.** Subsection B is amended and a new subsection C is added to Section  
18 23.50.022 of the Seattle Municipal Code, as adopted by Ordinance 113658, as follows:

19  
20       **23.50.022 General Industrial 1 and 2 -- Structure height.**

21  
22                               \* \* \*

23  
24       B. Except for the provisions of Section 23.50.020 and of subsection C below, the  
25 maximum structure height for any portion of a structure which contains the following uses,  
26 whether they are principal or accessory, shall be thirty feet (30'), forty-five feet (45'), sixty-  
27 five feet (65') or eighty-five feet (85'), as designated on the Official Land Use Map, Chapter  
28 23.32 (also see Exhibit 23.50.022 A):

- 29               1. Retail sales and services;  
30               2. Nonhousehold sales and services;  
31               3. Offices;  
32               4. Entertainment uses, except spectator sports facilities;  
33               5. Research and development laboratories; and  
34               6. Institutions.

35       C. Covered rooftop recreational space of a building existing as of December 31,  
36 1998, when complying with the provisions of subsection 23.50.012D, shall not be subject to  
37 the limits on maximum structure heights contained in subsection B above.  
38

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**Section 15.** Subsection A is amended and a new subsection D is added to Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, as follows:

**23.50.027 Maximum size of non-industrial use.**

**A. Applicability.**

1. Except as provided in subsections B and D below, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028A, with sixty-five-foot (65') or eighty-five-foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two (2) categories of use listed in Chart A of this section.

2. The maximum size of use limits shall not apply to the area identified in Exhibit 23.50.027 A, provided that no single retail establishment shall exceed fifty thousand (50,000) square feet in size.

**CHART A**

<b>Categories of Uses Subject to Size of Use Limits</b>	<b>IG1</b>	<b>IG2 and IB</b>	<b>IC</b>
Retail sales and service or Entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

\* \* \*

D. Covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of subsection 23.50.012D, shall not be subject to the limits on maximum size of non-industrial uses contained in subsection A above.

**23.50.028 Floor area ratio.**

\* \* \*

1. All gross floor area below grade;
2. All gross floor area used for accessory parking;
3. All gross floor area used for mechanical equipment, stair and elevator penthouses and communication equipment and antennas located on the rooftop of structures;
4. All gross floor area uses for covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of subsection 23.50.012D.

**23.66.140 Height.**

\* \* \*

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1 the features are minimally visible from public streets and parks within three hundred feet  
2 (300') of the structure.

3 1. Radio and television receiving antennas excluding dishes, religious symbols  
4 such as belfries or spires and that portion of the roof which supports them, smokestacks and  
5 flagpoles may extend up to fifty feet (50') above the roof of the structure or the maximum  
6 height limit, whichever is less, except as regulated in Chapter 23.64 of this Land Use Code,  
7 provided that they are a minimum of ten feet (10') from all lot lines.

8 2. Open railings, planters, clerestories, skylights, play equipment, parapets  
9 and firewalls may extend up to four feet (4') above the roof of the structure or the maximum  
10 height limit, whichever is less, with unlimited rooftop coverage.

11 3. Solar collectors, excluding greenhouses, may extend up to seven feet (7')  
12 above the roof of the structure or the maximum height limit, whichever is less, with unlimited  
13 rooftop coverage, provided they are a minimum of ten feet (10') from all lot lines.

14 4. The following rooftop features may extend up to eight feet (8') above the  
15 roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen  
16 feet (15') from the street and three feet (3') from an alley. They may extend up to twelve feet  
17 (12') above the roof when set back a minimum of thirty feet (30') from the street. A setback  
18 may not be required at common wall lines subject to review by the Preservation Board and  
19 approval by the Department of Neighborhoods Director. The combined coverage of the  
20 following listed rooftop features shall not exceed fifteen percent (15%) of the roof area:

21 Solar collectors, excluding greenhouses;  
22 Stair and elevator penthouses;  
23 Mechanical equipment;  
24 Dish antennas.

25 Additional combined coverage of these rooftop features, not to exceed  
26 twenty-five percent (25%) of the roof area, may be permitted subject to review by the  
27 Preservation Board and approval by the Department of Neighborhoods Director.

28 5. Structures existing prior to June 1, 1989 may add new or replace existing  
29 mechanical equipment up to eight feet (8') above the existing roof elevation when they are  
30 set back a minimum of fifteen feet (15') from the street and three feet (3') from an alley; or  
31 may extend up to twelve feet (12') above the existing roof elevation when they are set back a  
32 minimum of thirty feet (30') from the street, subject to review by the Preservation Board and  
33 approval by the Department of Neighborhoods Director.

34 6. Residential and Office Penthouses.

35 a. Residential penthouses may cover a maximum of fifty percent  
36 (50%) of the total roof surface and may extend up to eight feet (8') above the roof when set  
37 back a minimum of fifteen feet (15') from the street property line, or twelve feet (12') above  
38 the roof when set back a minimum of thirty feet (30') from the street property line.

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1 b. Office penthouses shall be permitted only when the footprint of the  
2 existing structure is greater than ten thousand (10,000) square feet and the structure is at  
3 least sixty feet (60') in height. When permitted, office penthouses shall be set back a  
4 minimum of fifteen feet (15') from all property lines and may cover a maximum of fifty  
5 percent (50%) of the total roof surface. Office penthouses may extend up to twelve feet  
6 (12') above the roof of the structure and shall be functionally integrated into the existing  
7 structure.

8 c. The combined height of the structure and a residential penthouse or  
9 office penthouse, where permitted, shall not exceed the maximum height limit for that area of  
10 the District in which the structure is located.

11 7. Screening of Rooftop Features. Measures may be taken to screen rooftop  
12 features from public view subject to review by the Preservation Board and approval by the  
13 Department of Neighborhoods Director. The amount of roof area enclosed by rooftop  
14 screening may exceed the maximum percentage of the combined coverage of rooftop features  
15 listed in subsection C4 above. In no circumstances shall the height of rooftop screening  
16 exceed fifteen feet (15') above the maximum height limit.

17  
18 \* \* \*

19  
20  
21 **Section 18.** Subsection C of Section 23.66.332 of the Seattle Municipal Code, as  
22 adopted by Ordinance 112134, is amended as follows:

23  
24 **23.66.332 Height.**

25  
26 \* \* \*

27  
28 **C. Rooftop Features.**

29 1. The Special Review Board and the Director shall review rooftop features  
30 to preserve views from Kobe Terrace Park.

31 2. Radio and television receiving aerials excluding dishes, religious symbols  
32 such as belfries or spires and that portion of the roof which supports them, smokestacks and  
33 flagpoles are exempt from height controls, except as regulated in Chapter 23.64 of this Land  
34 Use Code, provided they are at least ten feet (10') from all lot lines

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1  
2 3. Open railings, planters, clerestories, skylights, dish antennae, play  
3 equipment, parapets and fire walls may extend up to four feet (4') above the maximum height  
4 limit and may have unlimited rooftop coverage.

5 4. Solar collectors excluding greenhouses may extend up to seven feet(7' )  
6 above the maximum height limit and may have unlimited rooftop coverage.

7 5. The following rooftop features may extend up to fifteen feet (15') above  
8 the maximum height limit provided that the combined coverage of all features listed ((in this  
9 subsection)) below does not exceed fifteen percent (15%) of the roof area:

10 Solar collectors, excluding greenhouses;

11 Stair and elevator penthouses;

12 Mechanical equipment that is set back at least fifteen feet (15') from  
13 the roof edge.

14 Additional combined coverage of these rooftop features, not to exceed  
15 twenty-five percent (25%) of the roof area, may be permitted subject to review by the Special  
16 Review Board and approval by the Department of Neighborhoods Director.

17 6. Structures existing prior to June 1, 1989 may add new or replace existing  
18 mechanical equipment up to fifteen (15) feet above the existing roof elevation of the structure  
19 as long as it is set back at least fifteen feet (15') from the roof edge subject to review by the  
20 Special Review Board and approval by the Department of Neighborhoods Director.

21 7. Screening of Rooftop Features. Measures may be taken to screen rooftop  
22 features from public view subject to review by the Special Review Board and approval by the  
23 Department of Neighborhoods Director. The amount of roof area enclosed by rooftop  
24 screening may exceed the maximum percentage of the combined coverage of rooftop features  
25 listed in subsection C5 above. In no circumstances shall the height of rooftop screening  
26 exceed fifteen feet (15') above the maximum height limit.

27  
28  
29 **Section 19.** The provisions of this ordinance are declared to be separate and  
30 severable. The invalidity of any particular provision shall not affect the validity of any other  
31 provision.  
32

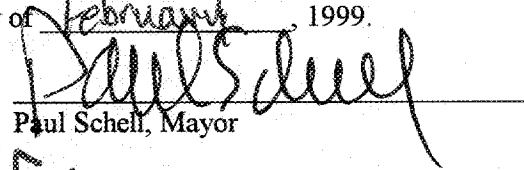
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1  
2 **Section 20.** This ordinance shall take effect and be in force thirty (30) days from and  
3 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
4 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
5 1.04.020.  
6

7 Passed by the City Council the 8<sup>th</sup> day of February, 1999, and signed by me in open  
8 session in authentication of its passage this 8<sup>th</sup> day of February, 1999.  
9

10   
11 President of the City Council

12 Approved by me this 16<sup>th</sup> day of February, 1999.  
13

14   
15 Paul Schell, Mayor  
16

17 Filed by me this 16<sup>th</sup> day of February, 1999.  
18

19   
20 City Clerk  
21

22 (SEAL)  
23  
24

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26 ht-ord3  
27 2/4/99

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**ORDINANCE** \_\_\_\_\_

**AN ORDINANCE** relating to land use and zoning amending height and rooftop features provisions in downtown, commercial and industrial zones by amending the following Sections in Title 23, Seattle Land Use Code, of the Seattle Municipal Code:  
23.41.012; 23.47.012; 23.49.008; 23.49.048; 23.49.068; 23.49.098; 23.49.124;  
23.49.150; 23.49.210; 23.49.328; 23.49.342; 23.50.012; 23.50.020; 23.50.022;  
23.50.027; 23.50.028; 23.66.140; and 23.66.332.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** Subsection B of Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

**23.41.012 Development standard departures.**

\* \* \*

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;
4. SCM zone facade requirements, including transparency and blank facade provisions;
5. Design, location and access to parking requirements;
6. Open space or common recreation area requirements;
7. Lot coverage limits;
8. Screening and landscaping requirements;
9. Standards for the location and design of nonresidential uses in mixed-use buildings;
10. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty (20)

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percent of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

- a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone,
- b. The proposed structure must be compatible with the general development potential anticipated within the zone,
- c. The additional height must not substantially interfere with views from up-slope properties, and
- d. No more than one (1) project on one (1) site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;
  11. Downtown street facade requirements;
  12. Downtown upper-level development standards; ((and))
  13. Downtown maximum wall dimensions; and
  14. Combined coverage of all rooftop features in downtown zones subject to the limitations in subsection 23.49.008C2.

\* \* \*

**Section 2.** Subsection G of Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

**23.47.012 Structure height and floor area ratio.**

\* \* \*

**G. Rooftop Features.**

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10') from any side or rear lot line.
2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four feet (4') above the maximum height limit with unlimited rooftop coverage.
3. Solar Collectors.

1 a. In zones with height limits of thirty feet (30') or forty feet  
2 (40'), solar collectors may extend up to four feet (4') above the maximum height limit, with  
3 unlimited rooftop coverage.

4 b. In zones with height limits of sixty-five feet (65') or more,  
5 solar collectors may extend up to seven feet (7') above the maximum height limit, with  
6 unlimited rooftop coverage.

7 4. The following rooftop features may extend up to fifteen feet  
8 (15') above the maximum height limit, so long as the combined total coverage of all features  
9 listed in this subsection does not exceed twenty percent (20%) of the roof area or twenty-five  
10 percent (25%) of the roof area if the total includes stair or elevator penthouses or screened  
11 mechanical equipment:

- 12 a. Solar collectors;  
13 b. Stair and elevator penthouses;  
14 c. Mechanical equipment;  
15 d. Play equipment and open-mesh fencing which encloses it, so  
16 long as the fencing is at least fifteen feet (15') from the roof edge; and  
17 e. Dish antennas, according to the provisions of Chapter 23.57.

18 5. In order to protect solar access for property to the north, the applicant shall  
19 either locate the rooftop features listed in this subdivision at least ten feet (10') from the  
20 north edge of the roof, or provide shadow diagrams to demonstrate that the proposed  
21 location of such rooftop features would shade property to the north on January 21st at noon  
22 no more than would a structure built to maximum permitted bulk:

- 23 a. Solar collectors;  
24 b. Planters;  
25 c. Clerestories;  
26 d. Greenhouses;  
27 e. Dish antennas, according to the provisions of Chapter 23.57;  
28 f. Non-firewall parapets;  
29 g. Play equipment.

30 6. Structures existing prior to May 10, 1986 may add new or replace existing  
31 mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and  
32 shall comply with the noise standards of Section 23.47.018.

33 \* \* \*

34  
35  
36  
37 **Section 3.** Subsection C of Section 23.49.008 of the Seattle Municipal Code, which  
38 Section was last amended by Ordinance 118672, is amended as follows:

1  
2 **23.49.008 Structure height.**  
3

4 The following provisions regulating structure height shall apply to all property in  
5 downtown zones except the DH1, PSM, IDM, and IDR zones.  
6

7 \* \* \*

8  
9 C. Rooftop Features.

10 ~~((1. Open railings, planters, clerestories, skylights, play equipment, parapets~~  
11 ~~and firewalls may extend up to four (4) feet above the maximum height limit with unlimited~~  
12 ~~rooftop coverage.~~

13 ~~2. Solar collectors may extend up to seven (7) feet above the maximum~~  
14 ~~height limit with unlimited rooftop coverage.~~

15 ~~3. The following rooftop features may extend up to fifteen (15) feet above~~  
16 ~~the maximum height limit, as long as the combined coverage of all features listed in this~~  
17 ~~subsection does not exceed twenty (20) percent of the roof area, or twenty five (25) percent~~  
18 ~~if the total includes stair or elevator penthouses or screened mechanical equipment:~~

19 ~~a. Solar collectors;~~

20 ~~b. Stair and elevator penthouses;~~

21 ~~c. Mechanical equipment; and~~

22 ~~d. Play equipment and open mesh fencing, as long as the fencing is at~~  
23 ~~least fifteen (15) feet from the roof edge.~~

24 ~~4. Major or minor communication utilities; religious symbols and that~~  
25 ~~portion of the roof which supports them, such as belfries or spires; smokestacks; and~~  
26 ~~flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are~~  
27 ~~located or fifty (50) feet above the maximum height limit, whichever is less, except as~~  
28 ~~regulated in Chapter 23.64, Airport Height Overlay District. They shall be located a~~  
29 ~~minimum of ten (10) feet from all lot lines.~~

30 ~~5. Administrative Conditional Use for Rooftop Features. The rooftop~~  
31 ~~features listed in subsection C4 may exceed a height of fifty (50) feet above the roof of the~~  
32 ~~structure on which they are located if authorized by the Director through an administrative~~  
33 ~~conditional use, Chapter 23.76. The request for additional height shall be evaluated on the~~  
34 ~~basis of public benefits provided, the possible impacts of the additional height, consistency~~  
35 ~~with the City's land use policies, and the following specific criteria:~~

36 ~~a. The feature shall be compatible with and not adversely affect the~~  
37 ~~downtown skyline.~~

~~c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.~~

~~d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.~~

e. ~~The increased size is necessary for the successful physical function of the feature, except for religious symbols.))~~

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the maximum height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to four (4) feet above the maximum height limit;

b. Solar collectors up to seven (7) feet above the maximum height limit; and

c. Major or minor communication utilities; religious symbols and that portion of the roof which supports them, such as belfries or spires; smokestacks; and flagpoles up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport Height Overlay District. They shall be located a minimum of ten (10) feet from all lot lines.

2. The following rooftop features are permitted as long as the combined coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment. Additional combined coverage of all rooftop features, not to exceed thirty-five (35) percent of the roof area, may be permitted through the Design Review process for Development Standard Departures in Section 23.41.012 or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

a. The following rooftop features are permitted to extend up to fifteen (15) feet above the maximum height limit:

- (1) Solar collectors;
- (2) Stair penthouses;
- (3) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge;
- (4) Mechanical equipment; and
- (5) Mechanical equipment, whether new or replacement, may be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June 1, 1998.

1                   b. Elevator penthouses are permitted to extend beyond the maximum  
2 height limit as follows:

3                   (1) Up to twenty (20) feet above the maximum height limit  
4 for a penthouse designed for an elevator cab up to eight (8) feet high; or

5                   (2) Up to twenty-two (22) feet above the maximum height  
6 limit for a penthouse designed for an elevator cab more than eight (8) feet high.

7                   3. Screening of Rooftop Features. Measures may be taken to screen rooftop  
8 features from public view through the Design Review process or, if located within the Pike  
9 Place Market Historical District, by the Market Historical Commission. The amount of roof  
10 area enclosed by rooftop screening may exceed the maximum percentage of the combined  
11 coverage of all rooftop features listed in subsection C2 above. In no circumstances shall the  
12 height of rooftop screening exceed ten (10) percent of the maximum height of the zone in  
13 which the structure is located, or fifteen (15) feet, whichever is greater.

14                   4. Administrative Conditional Use for Rooftop Features. The rooftop  
15 features listed in subsection C1c may exceed a height of fifty (50) feet above the roof of the  
16 structure on which they are located if authorized by the Director through an administrative  
17 conditional use, Chapter 23.76. The request for additional height shall be evaluated on the  
18 basis of public benefits provided, the possible impacts of the additional height, consistency  
19 with the City's land use policies, and the following specific criteria:

20                   a. The feature shall be compatible with and not adversely affect the  
21 downtown skyline.

22                   b. The feature shall not have a significant adverse effect upon the  
23 light, air, solar and visual access of properties within a three hundred (300) foot radius.

24                   c. The feature, supporting structure and structure below shall be  
25 compatible in design elements such as bulk, profile, color and materials.

26                   d. The feature shall not adversely affect the function of existing  
27 transmission or receiving equipment within a five (5) mile radius.

28                   e. The increased size is necessary for the successful physical function  
29 of the feature, except for religious symbols.

30  
31  
32                   **Section 4.** Subsection C of Section 23.49.048 of the Seattle Municipal Code, which  
33 Section was last amended by Ordinance 117954, is amended as follows:  
34

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**23.49.048 Downtown Office Core 1, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempt from base and maximum FAR calculations:

- a. All floor area below grade;
- b. All gross floor area located above grade which is used for principal or accessory short-term parking, or for parking accessory to residential uses, up to one (1) space per dwelling unit;
- c. The gross floor area of public benefit features which satisfy the requirements of Section 23.49.050, Ratios for public benefit features, and satisfy the Public Benefit Features Rule. For all features except housing, the exemption shall apply whether the feature is granted a floor area bonus or not, regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half percent (3 1/2%) of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 5.** Subsection C of Section 23.49.068 of the Seattle Municipal Code, which Section was last amended by Ordinance 117954, is amended as follows:

**23.49.068 Downtown Office Core 2, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempt from base and maximum FAR calculations:

- a. All gross floor area in residential use, except that on sending lots from which development rights are transferred according to Section 23.49.072 C the only

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1 exempt residential space shall be low-income housing on landmark theater/housing TDR  
2 sites that satisfies all requirements for a bonus under the Public Benefit Features Rule;

3 b. All gross floor area below grade;

4 c. All gross floor area located above grade which is used for principal  
5 or accessory short-term parking, or for parking accessory to residential uses, up to one (1)  
6 space per dwelling unit;

7 d. The gross floor area of public benefit features, other than housing,  
8 that satisfy the requirements of Section 23.49.070, Ratios for public benefit features, and the  
9 Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of  
10 maximum bonusable area limitations.

11 2. As an allowance for mechanical equipment, three and one-half (3 1/2)  
12 percent of the gross floor area of a structure shall not be counted in gross floor area  
13 calculations. The allowance shall be calculated on the gross floor area after all exempt space  
14 permitted under subsection C1 has been deducted. Mechanical equipment located on the roof  
15 of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area  
16 of the structure, except that for structures existing prior to June 1, 1989, new or replacement  
17 mechanical equipment may be placed on the roof and will not be counted in gross floor area  
18 calculations.

19  
20  
21 **Section 6.** Subsection C of Section 23.49.098 of the Seattle Municipal Code, which  
22 Section was last amended by Ordinance 117954, is amended as follows:

23  
24 **23.49.098 Downtown Retail Core, floor area ratio (FAR).**

25  
26 \* \* \*

27  
28 **C. Exemptions From FAR Calculations.**

29 1. The following areas shall be exempt from base and maximum FAR  
30 calculations:

31 a. All gross floor area in residential use, except that on sending lots  
32 from which development rights are transferred according to Section 23.49.102 the only  
33 residential space exempted shall be low-income housing on landmark theater/housing TDR  
34 sites satisfying all requirements for a bonus under the Public Benefit Features Rule;

35 b. All gross floor area below grade;

36 c. All gross floor area located above grade which is used for principal  
37 or accessory short-term parking, or for parking accessory to residential uses, up to one (1)  
38 space per dwelling unit;

d. The gross floor area of public benefit features (including a performing arts theater but excluding a major retail store) which satisfy the requirements of Section 23.49.100, Ratios for public benefit features, and satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations;

e. The sum of the gross floor area of the following uses, up to a maximum FAR of one and one-half (1 ½):

- (1) Retail sales and services uses, including major retail stores, except lodging,
- (2) Human service uses and child care centers,
- (3) Customer service offices,
- (4) Entertainment uses, such as theaters, and
- (5) Museums.

The exemption for the uses listed in this subsection C1e shall be increased to a maximum FAR of two (2) when a performing arts theater or three (3) when a major retail store is given a bonus as part of a project pursuant to Section 23.49.096.

2. As an allowance for mechanical equipment, three and one-half (3 ½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 of this section has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 7.** Subsection C of Section 23.49.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 116513, is amended as follows:

**23.49.124 Downtown Mixed Commercial, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempt from base and maximum FAR calculations:

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1 a. All gross floor area in residential use, except that on sending lots  
2 from which development rights are transferred, according to Section 23.49.128 the only  
3 exempt residential space shall be low-income housing on landmark theater/housing TDR  
4 sites satisfying all of the requirements for a bonus under the Public Benefit Features Rule;  
5 b. All gross floor area below grade;  
6 c. All gross floor area used for accessory parking;  
7 d. The gross floor area of public benefit features, other than housing,  
8 which satisfy the requirements of Section 23.49.126, Ratios for public benefit features, or  
9 which satisfy the requirements for an FAR bonus amenity allowable to a structure in DOC1  
10 or DOC2 for an off-site public benefit feature, and, in either case, satisfy the Public Benefit  
11 Features Rule, whether granted a floor area bonus or not, regardless of the maximum  
12 bonusable area limitation.

13 2. As an allowance for mechanical equipment, three and one-half percent (3  
14 1/2%) of the gross floor area of a structure shall not be counted in gross floor area  
15 calculations. The allowance shall be calculated on the gross floor area after all exempt space  
16 permitted under subsection C1 has been deducted. Mechanical equipment located on the roof  
17 of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area  
18 of the structure, except that for structures existing prior to June 1, 1989, new or replacement  
19 mechanical equipment may be placed on the roof and will not be counted in gross floor area  
20 calculations.

21  
22  
23 **Section 8.** Subsection C of Section 23.49.150 of the Seattle Municipal Code, as  
24 adopted by Ordinance 112303, is amended as follows:

25  
26 **23.49.150 Downtown Mixed Residential, floor area ratio (FAR).**

27  
28 \* \* \*

29  
30 **C. Exemptions From FAR Calculations.**

31 1. The following areas shall be exempt from base and maximum FAR  
32 calculations:

33 a. All gross floor area in residential use, except on sending lots from  
34 which development rights are transferred, according to Section 23.49.154;  
35 b. All gross floor area below grade;  
36 c. All gross floor area used for accessory parking located above  
37 grade;

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d. The gross floor area of public benefit features which satisfy the requirements of Section 23.49.152, Downtown Mixed Residential, ((#))Ratios for public benefit features, and satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3 ½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 9.** Subsection C of Section 23.49.210 of the Seattle Municipal Code, which Section was last amended by Ordinance 113279, is amended as follows:

**23.49.210 International District Mixed, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempt from base and maximum FAR calculations:

- a. All gross floor area in residential use, except on sending lots from which development rights are transferred according to Section 23.49.212.
- b. All gross floor area below grade.
- c. All gross floor area used for accessory parking.
- d. When required by the regulations of the International District Special Review District, Chapter 23.66, required street-level uses shall be exempt to a maximum of one-half (1/2) the area of the lot, not to exceed fifteen thousand (15,000) square feet.

2. As an allowance for mechanical equipment, three and one-half percent (3 1/2%) of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement

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mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 10.** Subsection C of Section 23.49.328 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended as follows:

**23.49.328 Downtown Harborfront 2, floor area ratio (FAR).**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. The following areas shall be exempted from base and maximum FAR calculations:

- a. All gross floor area below grade;
- b. All gross floor area used for accessory parking located above grade.

2. As an allowance for mechanical equipment, three and one-half (3 ½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

**Section 11.** Subsection C of Section 23.49.342 of the Seattle Municipal Code, as adopted by Ordinance 112303, is amended as follows:

**23.49.342 Pike Market Mixed, floor area ratio.**

\* \* \*

**C. Exemptions from FAR Calculations.**

1. All gross floor area below grade shall be exempt from FAR calculations.
2. New and/or replacement of existing mechanical equipment located on the roof of structures existing prior to June 1, 1989.

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1  
2  
3       **Section 12.** A new subsection D of Section 23.50.012 of the Seattle Municipal  
4 Code, which Section was last amended by Ordinance 119238, is added as follows:

5  
6       **23.50.012** Permitted and prohibited uses.

7  
8                               \* \* \*

9  
10       D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be  
11 located on the rooftop of a building (including the rooftop of an attached parking structure)  
12 existing as of December 31, 1998. Rooftop recreational space shall be used only for the  
13 purposes of active recreational uses and/or passive open spaces accessory to office uses of at  
14 least one hundred thousand (100,000) square feet that are located in the same building or  
15 within an attached structure(s) and that are established on or before December 31, 1998.  
16 When any portion of the rooftop recreational space is covered by a structure, the following  
17 standards shall apply:

- 18               1. The height for the one-story structure shall not exceed thirty (30) feet as  
19 measured from the existing rooftop elevation;  
20               2. The height shall not exceed the height of the highest portion or feature of  
21 the building or attached structure(s);  
22               3. The footprint of the structure shall not exceed thirty (30) percent of the  
23 total roof area on which the structure is located; and  
24               4. The structure shall be designed to include a minimum of thirty (30)  
25 percent transparent and/or translucent exterior building materials.

26       Rooftop recreational space meeting the above standards shall not be subject to the  
27 limits on maximum size of non-industrial uses, and the gross floor area of the rooftop  
28 recreational space shall be exempt from FAR calculations. The rooftop recreational space  
29 permitted under this subsection 23.50.012D shall be used only for active or passive  
30 recreational uses and cannot be used or converted to office or other non-recreational uses.  
31

32  
33       **Section 13.** A new subsection C is added to Section 23.50.020 of the Seattle  
34 Municipal Code, which Section was last amended by Ordinance 116596, as follows:

35  
36       **23.50.020. All Industrial zones -- Structure height exceptions and additional**  
37 **restrictions.**  
38

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\* \* \*

C. Structures existing prior to October 8, 1987 which exceed the height limit of the zone may add the rooftop features listed as conditioned in subsection A above. The existing roof elevation of the structure shall be considered the maximum height limit for the purpose of adding rooftop features.

**Section 14.** Subsection B is amended and a new subsection C is added to Section 23.50.022 of the Seattle Municipal Code, as adopted by Ordinance 113658, as follows:

**23.50.022 General Industrial 1 and 2 -- Structure height.**

\* \* \*

B. Except for the provisions of Section 23.50.020 and of subsection C below, the maximum structure height for any portion of a structure which contains the following uses, whether they are principal or accessory, shall be thirty feet (30'), forty-five feet (45'), sixty-five feet (65') or eighty-five feet (85'), as designated on the Official Land Use Map, Chapter 23.32 (also see Exhibit 23.50.022 A):

1. Retail sales and services;
2. Nonhousehold sales and services;
3. Offices;
4. Entertainment uses, except spectator sports facilities;
5. Research and development laboratories; and
6. Institutions.

C. Covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of subsection 23.50.012D, shall not be subject to the limits on maximum structure heights contained in subsection B above.

**Section 15.** Subsection A is amended and a new subsection D is added to Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, as follows:

**23.50.027 Maximum size of non-industrial use.**

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A. Applicability.

1. Except as provided in subsections B and D below, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028A, with sixty-five-foot (65') or eighty-five-foot (85') height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two (2) categories of use listed in Chart A of this section.

2. The maximum size of use limits shall not apply to the area identified in Exhibit 23.50.027 A, provided that no single retail establishment shall exceed fifty thousand (50,000) square feet in size.

CHART A

Categories of Uses Subject to Size of Use Limits	IG1	IG2 and IB	IC
Retail sales and service or Entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

\* \* \*

D. Covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of subsection 23.50.012D, shall not be subject to the limits on maximum size of non-industrial uses contained in subsection A above.

**Section 16.** Subsection E of Section 23.50.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

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1  
2 **23.50.028 Floor area ratio.**  
3

4 The floor area ratio (FAR), as provided below, shall determine the gross square  
5 footage permitted.  
6

7 \* \* \*

8  
9 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas  
10 shall be exempt from FAR calculations:

- 11 1. All gross floor area below grade;  
12 2. All gross floor area used for accessory parking;  
13 3. All gross floor area used for mechanical equipment, stair and elevator  
14 penthouses and communication equipment and antennas located on the rooftop of structures;  
15 4. All gross floor area uses for covered rooftop recreational space of a  
16 building existing as of December 31, 1998, when complying with the provisions of  
17 subsection 23.50.012D.  
18

19  
20 **Section 17.** Subsection C of Section 23.66.140 of the Seattle Municipal Code, which  
21 Section was last amended by Ordinance 116744, is amended as follows:  
22

23 **23.66.140 Height.**  
24

25 \* \* \*

26  
27 C. Rooftop Features. The height limits established for the rooftop features described  
28 in this subsection may be increased by the average height of the existing street parapet or a  
29 historically substantiated reconstructed parapet on the building on which the rooftop feature  
30 is proposed. The setbacks required for rooftop features may be modified by the Department  
31 of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that  
32 the features are minimally visible from public streets and parks within three hundred feet  
33 (300') of the structure.

- 34 1. Radio and television receiving antennas excluding dishes, religious  
35 symbols such as belfries or spires and that portion of the roof which supports them,  
36 smokestacks and flagpoles may extend up to fifty feet (50') above the roof of the structure or  
37 the maximum height limit, whichever is less, except as regulated in Chapter 23.64 of this  
38 Land Use Code, provided that they are a minimum of ten feet (10') from all lot lines.

2. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to four feet (4') above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage.

3. Solar collectors, excluding greenhouses, may extend up to seven feet (7') above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of ten feet (10') from all lot lines.

4. The following rooftop features may extend up to eight feet (8') above the roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen feet (15') from the street and three feet (3') from an alley. They may extend up to twelve feet (12') above the roof when set back a minimum of thirty feet (30') from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed fifteen percent (15%) of the roof area:

Solar collectors, excluding greenhouses;  
Stair and elevator penthouses;  
Mechanical equipment;  
Dish antennas.

Additional combined coverage of these rooftop features, not to exceed twenty-five percent (25%) of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to eight feet (8') above the existing roof elevation when they are setback a minimum of fifteen feet (15') from the street and three feet (3') from an alley; or may extend up to twelve feet (12') above the existing roof elevation when they are setback a minimum of thirty feet (30') from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

6. Residential and Office Penthouses.

a. Residential penthouses may cover a maximum of fifty percent (50%) of the total roof surface and may extend up to eight feet (8') above the roof when set back a minimum of fifteen feet (15') from the street property line, or twelve feet (12') above the roof when set back a minimum of thirty feet (30') from the street property line.

b. Office penthouses shall be permitted only when the footprint of the existing structure is greater than ten thousand (10,000) square feet and the structure is at least sixty feet (60') in height. When permitted, office penthouses shall be set back a minimum of fifteen feet (15') from all property lines and may cover a maximum of fifty percent (50%) of the total roof surface. Office penthouses may extend up to twelve feet

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(12') above the roof of the structure and shall be functionally integrated into the existing structure.

c. The combined height of the structure and a residential penthouse or office penthouse, where permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed fifteen feet (15') above the maximum height limit.

\* \* \*

**Section 18.** Subsection C of Section 23.66.332 of the Seattle Municipal Code, as adopted by Ordinance 112134, is amended as follows:

**23.66.332 Height.**

\* \* \*

**C. Rooftop Features.**

1. The Special Review Board and the Director shall review rooftop features to preserve views from Kobe Terrace Park.

2. Radio and television receiving aerials excluding dishes, religious symbols such as belfries or spires and that portion of the roof which supports them, smokestacks and flagpoles are exempt from height controls, except as regulated in Chapter 23.64 of this Land Use Code, provided they are at least ten feet (10') from all lot lines

3. Open railings, planters, clerestories, skylights, dish antennae, play equipment, parapets and fire walls may extend up to four feet (4') above the maximum height limit and may have unlimited rooftop coverage.

4. Solar collectors excluding greenhouses may extend up to seven feet (7') above the maximum height limit and may have unlimited rooftop coverage.

5. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit provided that the combined coverage of all features listed ((in this subsection)) below does not exceed fifteen percent (15%) of the roof area:

Solar collectors, excluding greenhouses;

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1 Stair and elevator penthouses;  
2 Mechanical equipment that is set back at least fifteen feet (15') from  
3 the roof edge.

4 Additional combined coverage of these rooftop features, not to exceed  
5 twenty-five percent (25%) of the roof area, may be permitted subject to review by the  
6 Special Review Board and approval by the Department of Neighborhoods Director.

7 6. Structures existing prior to June 1, 1989 may add new or replace existing  
8 mechanical equipment up to fifteen (15) feet above the existing roof elevation of the  
9 structure as long as it is setback at least fifteen feet (15') from the roof edge subject to  
10 review by the Special Review Board and approval by the Department of Neighborhoods  
11 Director.

12 7. Screening of Rooftop Features. Measures may be taken to screen rooftop  
13 features from public view subject to review by the Special Review Board and approval by  
14 the Department of Neighborhoods Director. The amount of roof area enclosed by rooftop  
15 screening may exceed the maximum percentage of the combined coverage of rooftop  
16 features listed in subsection C5 above. In no circumstances shall the height of rooftop  
17 screening exceed fifteen feet (15') above the maximum height limit.

18  
19  
20 **Section 19.** This ordinance shall take effect and be in force thirty (30) days from and  
21 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
22 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
23 1.04.020.

24  
25 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1999, and signed by me in  
26 open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1999.

27  
28 \_\_\_\_\_  
29 President of the City Council

30 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

31  
32 \_\_\_\_\_  
33 Paul Schell, Mayor

34  
35 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

36  
37 \_\_\_\_\_  
38 City Clerk

39 (SEAL)

# STATE OF WASHINGTON - KING COUNTY

102586  
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

## Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119370/FULL

was published on

03/02/99

The amount of the fee charged for the foregoing publication is the sum of \$ , which amount has been paid in full.

Subscribed and sworn to before me on

03/02/99

Notary Public for the State of Washington,  
residing in Seattle

- ### C. Exemptions: